REMARKS

Applicant respectfully requests reconsideration of this application as amended.

Claims 1-19 and 21-30 remain in the application. Claims 1-19 and 21-27 have been

amended.

Rejections Under 35 U.S.C. § 101

Claims 1-30 were rejected under 35 USC §101 as being directed to non-statutory

subject matter. Applicant respectfully submits the above amendments overcome the

rejections under 35 USC §101 in as much as claims 1-27 now recite a computerized

method. Each of these items has substantial utility, as more fully described in the

specification. Applicant further submits that claims 28-30 recite a computer program for

use in an exemplary computer system, as fully described in the specification.

Accordingly, Applicant respectfully requests the rejection to claims 1-30 be withdrawn.

Rejections Under 35 U.S.C. § 103(a)

Claims 1-30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over

U.S. Patent No. 6,131,087 of Luke et al. ("Luke") in view of U.S. Patent No. 5,841,958 of

Buss et al. ("Buss").

> Claim 24 recites:
>   A computerized method of generating multi-attribute bids,
> comprising:
>   collecting at least one set of multi-attribute bid values,
> each set of multi-attribute bid values having a set of nominal
> attribute values including a nominal bid value, *said collecting also*
> *includes collecting at least one variance to the nominal attribute*
> *value of at least one attribute and a corresponding variance*
> *relative to said nominal bid value*;
>   generating a set of bids for each set of multi-attribute
> bid values, each bid having a different combination of attribute
> values *based on corresponding variances and nominal attribute*
> *values*; and

generating a bid value for each bid *based upon the combination of attribute values*. (Emphasis added).

The office action states:
"Examiner disagrees with the applicant on the merits of argument put forward by the applicant. Specifically the argument put forward for claims 24 and 16. Luke clearly discusses the fact the its system specifically accommodates additional aspects of transactions other than price and quality, in other words other attributes are considered in addition to select a match (See Luke column 3, lines 26-68). The issue that has been raised by the applicant is that "Luke does not disclose the step of generating a bid value for each bid based upon the combination of attribute values and furthermore the combination of Luke and Buss does not teach this feature". Luke clearly teaches the creation of or calculation of at least one point on a graph. This point is a representative of a value that needs to be arrived at by creating a value based on multiple attributes. Once this value has been calculated this value or values are compared in a graphical representation with other solicitors' values to see if there are any matching points. The fact that a value has been displayed in a graphical form does not negate that the value still has to be calculated to create a point on a graphical representation of such value (Multivariable Calculus addresses this issue). As for the Buss's bipartite bid value generation it is clear that method of creating a value from multiple numbers of attributes has been clearly disclosed within the prior art and its usefulness for matching two parties based on the bid value." (Office Action 7/4/03, p.2, paragraph 3)

Applicant respectfully disagrees with this interpretation of Luke. The geometric object 10 in Fig 1a of Luke "is a graphical expression of a market participant's simplified offer using price, delivery dates, and product quantity as the dimensions necessary to define his demand." (Column 6 lines 20-23). The intersecting points of these two polyhedrons define the boundaries of negotiation 40 between the originator of the offer and the originator of the solicitation. The *shaded* polyhedron 40 is the transaction space, (i.e. the space within which the parties can bargain to complete an exchange). These data are stored in the solicitation database. (Emphasis added) (See column 6, lines 20-34).

Each dimension has a linear scale upon which a range of transaction terms may be plotted. The product quantity dimension in FIG. 1a contains a point describing the maximum quantity desired, a preferred quantity desired, and a minimum quantity necessary to satisfy the party's needs. The delivery dimension can contain, for example

and not limitation, a linear scale of Julian dates which enable the solicitor to plot a latest

acceptable delivery date, a preferred delivery date, and an earliest acceptable delivery

date. The price dimension contains a maximum point, a minimum point acceptable, and a

preferred point. For the purpose of discussing this example, these three offer dimensions

define the solicitor's "market" for a particular product. In the preferred embodiment, the

market consists of as many dimensions as are necessary to accurately express the

solicitation. (emphasis added) (See column 6, line 65 to column 7, line 13).

However, Luke does not disclose that any one attribute, such as price, is used as a

nominal value which is further used, based on at least one attribute value and *a*

corresponding variance relative to the nominal value, to generate a bid as recited in

claim 24. This is because *Luke does not collect "at least one variance to the nominal*

attribute value of at least one attribute and a corresponding variance relative to said

nominal bid value," as claimed.

For example, if multi-attribute bid A has a nominal value of $100 and if a

combination of attribute B includes a variance of $5 *relative to the nominal value* and

attribute C includes a variance of $10 *relative to the nominal value*, then a generated bid

value would be $115 *based on the corresponding variances and nominal attribute*

values. Of course, this example is meant to be illustrative of a method of generating a bid

value as claimed and is not meant to limit the invention.

Luke does not disclose nor suggest that each attribute may include a

corresponding variance relative to a nominal bid value which is used to generate a bid

value as claimed and illustrated by way of example above. In Luke, each attribute (e.g.,

price, quantity, delivery date) is shown as a separate dimension (e.g., a x-axis, a y-axis,

and a z-axis) on a graph. Each attribute is represented as a point along a single dimension

plotting the preferred, maximum, and minimum point of scale. It is true that each

dimension may be represented as a point not necessarily on a graph for calculation

purposes, but no point within the graph can represent a generated bid, as claimed.

Further, the combination of these points for each attribute does not and cannot equate to a generated bid value, as claimed, nor does Luke in view of Buss suggest nor provide any motivation of such a limitation to generate a bid value.

Accordingly, given the combination of Luke and Buss do not teach each and every element of claim 24, the Applicant respectfully requests the rejection to claim 24 be withdrawn. Independent claims 1, 16, and 28 include limitations similar to those recited in claim 24, including generating a bid value based on a corresponding variance relative to a nominal bid value. Therefore, Applicant respectfully requests the rejections to claims 1, 16, and 28 be withdrawn. Claims 2-15, 17-19, 21-23, 25-27, and 29-30 are dependent on at least one of the independent claims 1, 16, 24, and 28. Therefore, Applicant respectfully requests the rejection to these claims be withdrawn.

CONCLUSION

Applicant respectfully submits that the rejections have been overcome by the amendments and remarks, and that the Claims as amended are now in condition for allowance. Accordingly, Applicant respectfully requests the rejections be withdrawn and the Claims as amended be allowed.

If there are any additional charges, please charge Deposit Account No. 02-2666

for any fee deficiency that may be due.

Respectfully submitted,

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